



Appropriation Committees on Agriculture and Natural and Economic Resources

March 23, 2017

Marine Fisheries
ENVIRONMENTAL QUALITY



Presentation Overview

Asked to discuss:

- The Marine Fisheries Commission structure, authorities and processes;
- The N.C. Wildlife Federation's Petition for Rulemaking; and the
- Division of Marine Fisheries' activities related to additional funding provided in the 2015-17 biennium





Fisheries Reform Act of 1997 (S.L. 1997-400)

Revamped the state fisheries management process, established a more science-based, proactive approach, by:

- Mandating fishery management plans for significant species, in conjunction with input from advisory committees
- Requiring a Coastal Habitat Protection Plan
- Implementing a new license structure
- Restructuring/downsizing the Marine Fisheries Commission





Commission Make-up (G.S. 143B-289.54)

- Three commercial fishermen
 - One of which must be a licensed dealer, processor or distributor
- Three recreational fishermen
 - One of which must be involved with the sports fishing industry
- Two at-large members
- One fisheries scientist





Advisory Committees (G.S. 143B-289.57)

- Commission chairman appoints advisory committees, as well as the committee chair and vice-chair
- Recommendations from committees provide valuable input, but are advisory – commission selects final management measures
- Standing Committees (regional, finfish, shellfish, habitat/WQ)





Fishery Management Plan Process



N.C. Marine Fisheries Commission

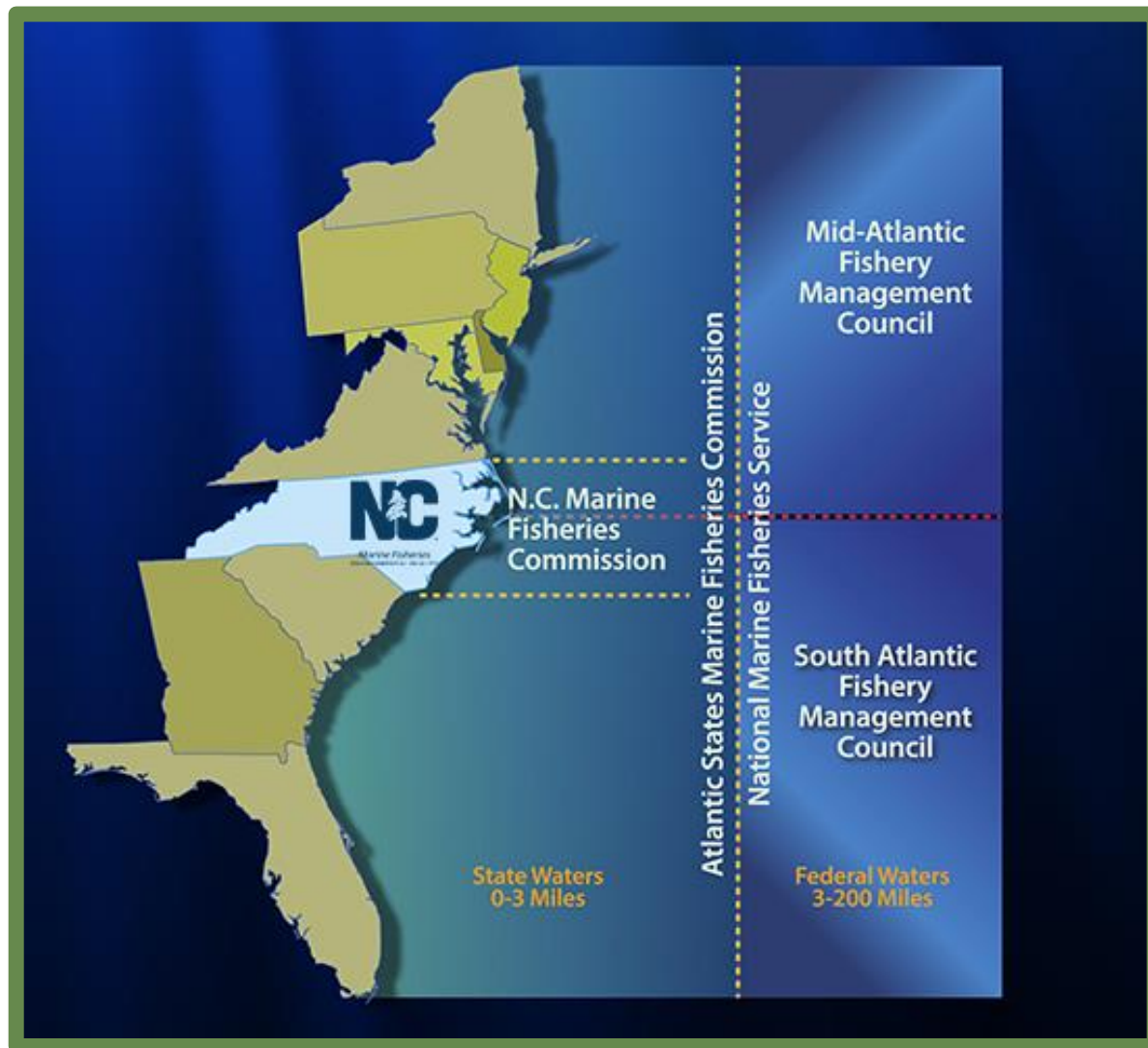


Fishery Management Plans	Date Completed (rules go into effect at a later date)
Red Drum*	November 2008
Spotted Seatrout*	February 2012
Southern Flounder	February 2013
Estuarine Striped Bass*	May 2013
Blue Crab	November 2013
Bay Scallop	February 2015
River Herring*	February 2015
Interjurisdictional*	November 2015
Kingfishes	November 2015
Striped Mullet	November 2015
Hard Clam	February 2017
Oyster	February 2017
Shrimp	February 2015

*Also managed regionally



N.C. Marine Fisheries Commission





Highlights of the Rulemaking Process

- Commission approves proposed rule or amendments
- Division develops associated fiscal analysis
- Office of State Budget and Management approves fiscal analysis
- Commission approves fiscal analysis
- Proposed rule published in N.C. Register
- Public comment period and hearing held
- Commission adopts permanent rule
- Rules Review Commission reviews/approves rule
- Legislative review/action if 10 letters of objection received
- Rule becomes effective





The N.C. Wildlife Federation presented a petition for rulemaking to the Marine Fisheries Commission to:

- Designate all coastal fishing waters (not otherwise designated as nursery areas) as a special secondary nursery area.
- Establish criteria for opening the shrimping season
- Define the types of gear and how/when gear may be used (in the proposed special secondary nursery area during shrimping season)
- Establish new size limits for Atlantic croaker and spot



- ***Within proposed Special Secondary Nursery Areas:***
 - Limit shrimp trawling to three days a week in the estuaries and four days a week in the ocean
 - Limit trawling to the daytime only
 - Reduce the maximum trawl head rope length to 90 feet in estuarine waters and 110 feet in ocean
 - Limit tow times to 45 minutes
- ***Open shrimp season once the shrimp count in Pamlico Sound reaches 60 shrimp per pound, heads on***
- ***Implement an 8-inch size limit for spot and a 10-inch size limit for Atlantic croaker***
- ***Require all fishermen to use two DMF-certified bycatch reduction devices when trawling in state waters***



At Feb. 15-16, 2017 business meeting, the Marine Fisheries Commission voted to:

- Grant in full the North Carolina Wildlife Federation's petition for rulemaking as originally submitted on Nov. 2, 2016 and as amended by its Jan. 12, 2017 modification
- Motion carried 5-3 with one abstention



- **Proposed rules will likely have a “substantial economic impact” as defined in the N.C. Administrative Procedure Act**
 - Aggregate financial impact on all persons affected of at least \$1 million in a 12-month period.
 - At least two alternatives to the proposed rule will have to be analyzed.
- **Rulemaking will likely be a lengthy process**
 - Must be approved by the Office of State Budget and Management and then approved by the commission prior to publishing notice of text.
 - Notice of text must be published for 60 days
 - Public comment period and likely a public hearing will be held before the rules come back to the commission for a vote.
 - 10 letters of objection to RRC could trigger legislative review/action.

DMF Funding in 2015-2017 Biennium

- Crab Pot Cleanup Program
- Oyster Sanctuary Program
- Shellfish Leases and Aquaculture
- Oyster Reef Cultch Planting

Department of Environmental Quality



Division of Marine Fisheries

Crab Pot Clean Up – S.L. 2016-94

\$100,000 (nonrecurring) appropriation for pilot program to remove derelict crab pots in state waters

- Administered by the N.C. Sea Grant Program (N.C. State University), which awarded a grant to N.C. Coastal Federation to conduct the work.
- Occurred during the state's crab pot clean-up period of Jan. 15 – Feb. 7, 2017
- Approximately 4,270 derelict pots were collected.
- N.C. Sea Grant required to provide report to Joint Oversight Committee on Agriculture and Natural & Economic Resources and Fiscal Research Division by May 1, 2017.



Division of Marine Fisheries

Oyster Sanctuary Program



Oyster Sanctuary Program constructs no-take oyster reefs to provide seed for surrounding natural oyster rocks and cultch planted sites. Also provides important habitats for fish and invertebrate species.

FY16-17 funds = \$1.952 million (\$1.03M NR)

- \$1.417 million in state appropriations
- \$93,000 from federal grant
- \$442,000 from the Coastal Recreational Fishing License Grant Program

Current Activities

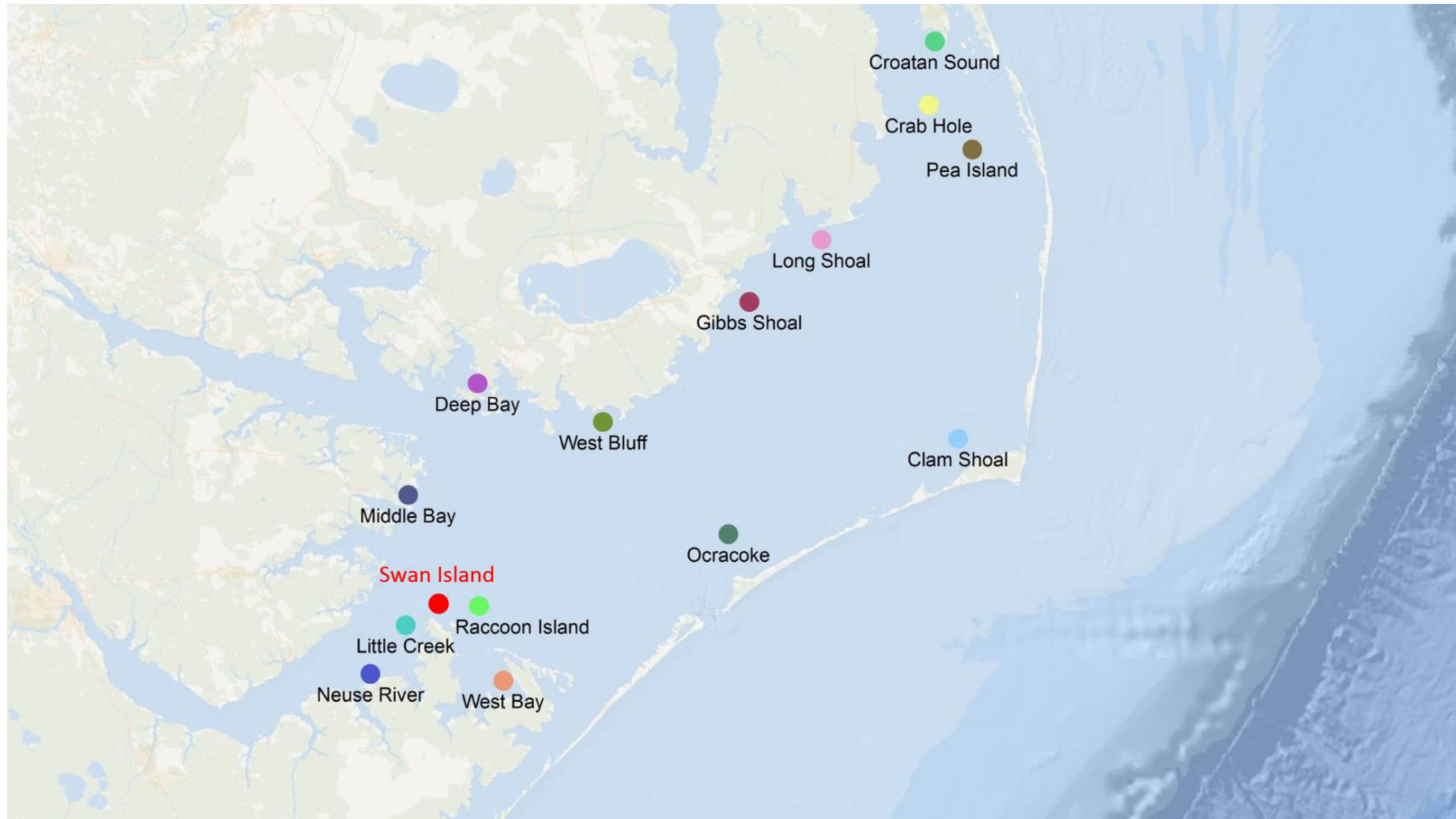
- Construction of the Swan Island Oyster Sanctuary (40 acres)
- Partnering with the N.C. Coastal Federation to leverage grant funding received from National Oceanic and Atmospheric Administration
 - Total expenditure for this project will be approximately \$3.2 million.



Division of Marine Fisheries

Oyster Sanctuary Program

Existing and Proposed Oyster Sanctuaries Locations



Division of Marine Fisheries

Shellfish Leases and Aquaculture

The DMF leases submerged lands and waters of the state for the commercial production of shellfish such as oysters and clams.

FY16/17 Funds = \$155,683 recurring

Current Activities

- Increasing interest in leases, 46 applications in 2016 (12 in 2015)
- Hired Biologist I and are in the process of hiring a Technician II to support the lease program
- Re-purposed an existing position to support mandated aquaculture permitting for all marine species

Concerns/Needs

- Satisfy federal permitting requirements for more intensive aquaculture operations (water column leases and bottom leases with cages)
- Coordination between DMF and Division of Coastal Management (CAMA)
- Statewide aquaculture plan to direct effort, legislation and support industry.



Division of Marine Fisheries

Oyster Reef Cultch Planting

DMF deploys suitable hard substrate to allow oyster larvae to settle and form new reefs. With good settlement and water quality, oysters typically reach harvest size within three years.

FY16-17 Funds = \$2.53 million (\$300,000 non-recurring)

- \$2.510 million in state appropriations
- \$20,000 from Coastal Recreational Fishing License revenues

Current Activities

- 458,000 bushels were deployed in state waters in 2016

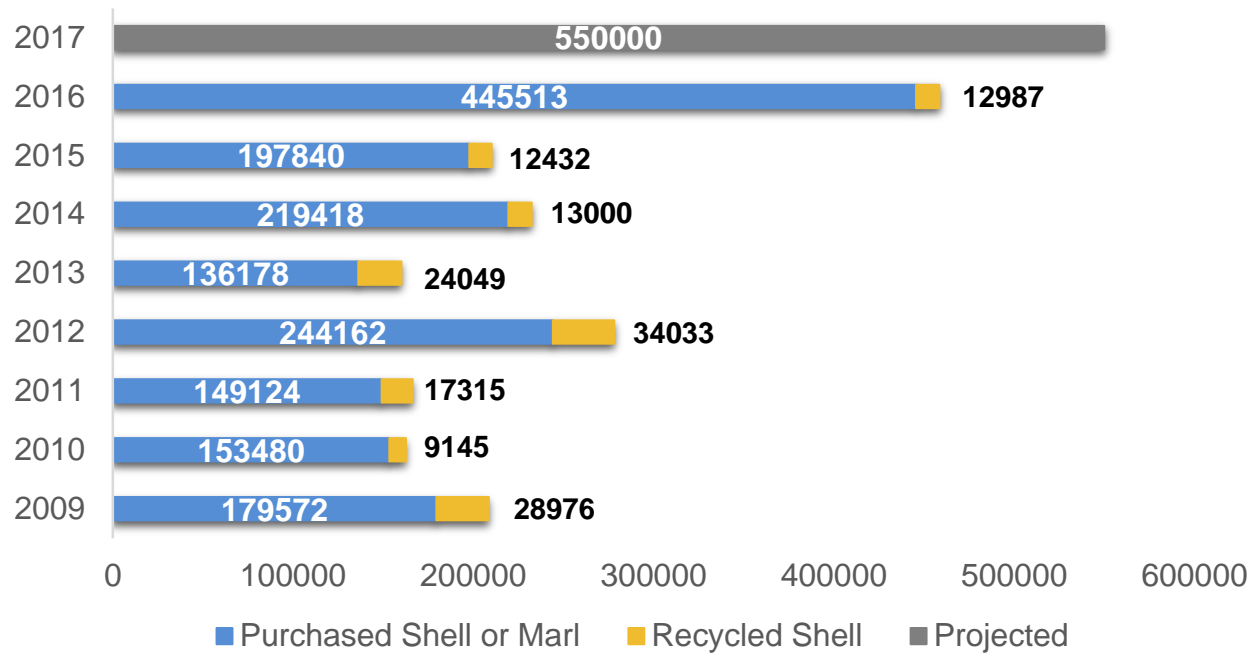


Marl cultch from 2013
planting with oyster
attached





Material Deployed for Oyster Reef Cultch Planting



Questions?

